

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**RICKY A. COOK,**  
**Plaintiff,**

**v.**

**GERALD MCPEAK, et al.,**  
**Defendants.**

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**Civil Action No. 7:14cv00532**

**ORDER**

**By: Norman K. Moon**  
**United States District Judge**

Plaintiff Ricky A. Cook, a Virginia inmate proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. On January 13 and 20, 2015, defendants filed motions to dismiss Cook's complaint. On January 14 and 21, 2015, the court issued notices, pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005), giving Cook twenty-one days to file responses to the motions and advising Cook that if he did not respond, the court would "assume that plaintiff has lost interest in the case, and/or that plaintiff agrees with what the defendant states in their responsive pleading(s)." The court further advised Cook that if he wished to continue with the case, it was "necessary that plaintiff respond in an appropriate fashion" and that if he failed to file some response within the time allotted, "the court may dismiss the case for failure to prosecute." Cook has filed no response.

Inasmuch as the time allotted has passed and Cook has not responded, it is hereby **ORDERED** that this civil rights action is **DISMISSED without prejudice** for failure to prosecute; defendants' motions to dismiss (Docket Nos. 26 and 29) are **DISMISSED without prejudice**, and the Clerk is directed to **TERMINATE** this action from the active docket of the court.

The Clerk is directed to send copies of this Order to the parties

**ENTER:** This 31st day of March, 2015.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE